

III. REMARKS

In the Office Action, claims 1-7, 14-18 and 20, and also claims 8-12 and 19 were rejected under 35 U.S.C. 103 as being unpatentable over the present specification (pages 1-4) in view of Marsan (US 6564068) and Chuah (US 6400695) for reasons set forth in the Action. Claim 13 was rejected under 35 U.S.C. 103 as being unpatentable over the present specification (pages 1-4) in view of Marsan (US 6564068), Chuah (US 6400695), and Blatherwick (US 6269395) for reasons set forth in the Action.

An interview was conducted by telephone between Applicant's representative and Examiner Alexander Jamal on September 8, 2005 to gain a further understanding of the examiner's position, as set forth in the Final Rejection of July 12, 2005.

In the response to the previous Office Action of February 23, 2005, it was argued on behalf of the applicant that one skilled in the art would not be motivated to combine the teachings of Chuah and Marsan with the description of the Bluetooth™ communication system presented in the first few pages of the present specification.

In the interview, the examiner disagreed with the applicant's position, and stated that he views Bluetooth as a communication system in which components of the system compete to provide for communication of an inquiry or a response. The back-off interval with the randomizing of back-off delays by components of the system, before attempting to communicate, is an attempt to avoid collisions. According to the examiner, this collision avoidance process, is much like the prioritizing of attempts at

communication in the Chuah system wherein back-off times are selected ahead of time for the respective system components in accordance with the levels of importance of the messages associated with the respective components.

The examiner also views the Marsan communication system as a form of prioritizing communication links by choosing one of plural base stations to provide a communication via the strongest RSSI (received signal strength indication), which would naturally be included in a communication system because it is so commonly employed in decision-making processes.

Therefore, according to the examiner, a person skilled in the construction of communication systems would naturally combine the randomizing priorities of Chuah with the RSSI selection process of Marsan in a Bluetooth™ system to produce the present invention.

The foregoing position of the examiner relates to claim 1 as well as to other ones of the independent claims.

The examiner suggested that the applicant might amend the claims, possibly claim 5, to include subject matter of page 16 of the present specification dealing with the relationship between RSSI and gap size (middle of page 16). The examiner said that that subject matter, inserted into a claim, would make the claim allowable because he knows of no art that discusses this gap size in relation to RSSI.

At the interview, it was pointed out to the examiner that there is error in his reasoning.

According to the Manual of Patent Examining Procedure (MPEP, Section 2100, more specifically 2143), the mere fact that the references can be combined does not render the invention obvious. Rather, there must be some teaching of the invention that would motivate the combination of the references. It was pointed out to the examiner at the interview that there was no overriding teaching that would motivate the combination of the references applied by the examiner. The intent of the invention, as set forth on page 6 of the present specification (middle of the page), is that the invention reduces the average time required to establish a connection in a Bluetooth type of system. The intent of Marsan is to find a transmission path of highest signal level. The intent of Chuah is to reduce access time to a communication system for those components having the highest priority in the nature of the messages to be communicated. There is no common theme or concept that would motivate a person to combine the teachings of art selected by the examiner to produce the present invention.

Therefore, it is the position of the applicant that the examiner fails to provide a basis for his contention of obviousness in the rejection of the claims.

The examiner stated that he would be willing to consider the argument presented by the applicant at the interview if the argument would be presented in an after-Final response, and to discuss this argument with his supervisor.

To emphasize the applicant's position, by way of response to the Office Action, the following is noted.

The present invention provides the advantage of reducing the average time required to establish a connection in a Bluetooth™ type of system. The establishment of a connection is accomplished by use of an interval of back-off delays, prior to attempting a communication, in order to avoid collisions among communications of the various devices that constitute the system. Each of the devices may perform a scanning for inquiries from other ones of the devices (present specification, page 2, bottom paragraph). In order to avoid a conflict when several devices are responding to an inquiry message at the same time, or when several devices are inquiring at the same time, randomized back-off times are provided (present specification at page 3). The back-off interval with the randomizing of back-off delays by components of the system, before attempting to communicate, is an attempt to avoid collisions.

Against this background, the present invention attempts to reduce a long setup time associated with the setup process (present specification at page 5, lines 7-12), the long setup time being a problem of the prior art, as discussed at the top of Page 4 of the present specification.

Marsan provides a teaching directed to the goal of finding a transmission path of highest signal level in the situation wherein various transmission paths are available. This reference does not deal with the issue of reducing the time to set up a communication link. The examiner observes (middle of page 3 of the Action) that Marsan teaches that received signal strength indication (RSSI) may be used to assign priorities. But there is no teaching that this is useful in reducing the time to set up a communication link. Marsan only teaches, for the purposes of the present invention, that RSSI is useful in cellular phone

networks, but says nothing about obtaining the goal of the present invention, namely, to reduce the time to set up a communication link.

Chuah presents a teaching directed to reduction of access time to a communication system based on priorities previously designated for components of the communication system, such that the access time is reduced for those components having the highest priority in the nature of the messages to be communicated. But Chuah fails to address the situation, treated by the present invention, wherein there are no pre-assigned priorities. Also Chuah fails to address the situation, treated by the present invention, wherein one is not concerned about specific high priority messages of specific system components as treated by Chuah, but wherein the concern is for reduction of the average set up time for communications of respective ones of all the components of the system.

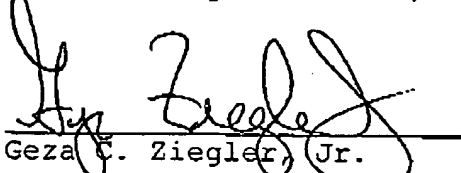
Upon viewing the foregoing teachings of Marsan and Chuah, it is apparent that there is nothing in Marsan and Chuah, considered individually or in combination, that would direct an inventor to consider their teachings in combination with the previously known characteristics of a BluetoothTM system to construct the present invention. Clearly, there is nothing in their teachings to motivate one to use their system features in combination with BluetoothTM to produce the present invention because of the complete absence of any indication that such an attempted combination of system features would lead to a reduction in average setup time to establish a communication link. Also, it appears that the examiner is using hindsight (bottom paragraph of page 3 of the Office Action) when he reconstructs the Chuah system to base the priorities on signal strength, so as to build

the present invention. Accordingly, as noted above, there is no common theme or concept that would motivate a person to combine the teachings of art selected by the examiner to produce the present invention.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

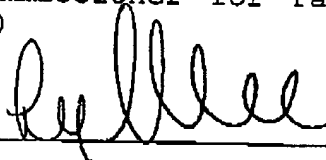

Geza C. Ziegler, Jr.
Reg. No. 44,004

11 Oct 2005
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to (571) 273-8300 the date indicated below, addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 10/11/05Signature: Printed Name: Lisa Shimizu